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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

MITCHELL GONZALEZ,

Plaintiff,

v.

BIOMET, INC.; BIOMET ORTHOPEDICS,
LLC; and BIOMET U.S.
RECONSTRUCTION, LLC,
Defendants.

Case No. 2:18-cv-01744-GMN-EJY

Honorable Gloria M. Navarro
Honorable Elayna J. Youchah.

**STIPULATION TO AMEND
SCHEDULING ORDER
(First Request)**

Amended Complaint: February 7,
2014

Case Transferred: September 10, 2018

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1 Plaintiff Mitchell Gonzalez (“Plaintiff”), together with Defendants Biomet Inc.;
2 Biomet Orthopedics, LLC; Biomet U.S. Reconstruction, LLC; and Biomet Manufacturing,
3 LLC (collectively, “Biomet,” and together with Plaintiff, the “Parties”), by and through their
4 respective undersigned counsel, respectfully move the Court for an extension of fact and
5 expert discovery deadlines to enable the Parties time to complete complex pretrial efforts
6 and efficiently explore options for resolving this case. In support of their stipulation, the
7 Parties state as follows:

8 1. This case involves a variety of product liability claims against Biomet due to
9 Plaintiff’s use of the Biomet M2a Metal-on-Metal Hip Replacement System.

10 2. This case was consolidated into the United States District Court for the
11 Northern District of Indiana in the South Bend Division, where Judge Robert L. Miller, Jr.
12 presides over *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation* (MDL
13 2391), cause number: 3:12-MD-2391 (“Biomet M2a Magnum MDL”). Judge Miller
14 transferred this case to this Court on September 10, 2018. *See* Dkt. 192.

15 3. After remand, this Court issued a Scheduling Order on July 15, 2019, setting a
16 fact discovery deadline of December 13, 2019 and an expert discovery deadline of March
17 20, 2020, among other pretrial dates. Dkt. No. 215.

18 4. Since remand, Biomet has actively completed discovery efforts. However, as
19 detailed below, additional time is needed to complete fact and expert discovery due to the
20 complexity of this litigation.

21 5. Biomet has subpoenaed Plaintiff’s medical records from 15 medical
22 providers. Thus far, Biomet has collected 1,757 pages of records but is still in the process
23 of completing case-specific record collection from Plaintiff’s remaining treating physicians.

24 6. Biomet requires the medical records from Plaintiff’s treating physicians and
25 facilities in order to identify additional treaters, depose treating physicians and prepare
26 expert witnesses. This task has been laborious due to the large number of physicians and
27 medical departments being contacted.

1 7. On November 8, 2019, Biomet served written discovery requests on Plaintiff,
2 and Plaintiff's responses are due December 11, 2019.

3 8. Also, Biomet will seek access to Plaintiff's explanted hip device at issue in
4 this case. The Parties must reach an agreement as to the protocol for shipping, handling,
5 and inspection of the explant device. Once Biomet is in possession of the device, its experts
6 will conduct an inspection that will take approximately six weeks to complete. Biomet's
7 inspection must be done in order to complete expert disclosures.

8 9. The Parties believe that additional time to complete the above-described fact
9 and expert discovery would benefit both sides and result in judicial efficiency.

10 10. This request does not affect a trial date, as one has not yet been set.

11 11. This is the Parties' first request for an extension of pretrial deadlines.

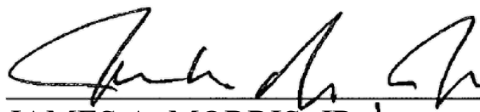
12 12. This request is not made for the purpose of delay.

13 **IT IS HEREBY STIPULATED AND REQUESTED**, by and between the Parties
14 and their respective counsel, that discovery and motion deadlines be extended as specified
15 in this stipulation as follows:

- 16 • Last date to complete case-specific fact discovery from December 13, 2019 to
17 **April 10, 2020.**
- 18 • Last date for Plaintiff to disclose experts for case-specific experts from
19 January 17, 2020 to **June 19, 2020.**
- 20 • Last date for Defendants to disclose experts for case-specific experts from
21 February 14, 2020 to **July 10, 2020.**
- 22 • Last date to disclose rebuttal experts from March 6, 2020 to **August 7, 2020.**
- 23 • Last date to complete case-specific expert discovery from March 20, 2020 to
24 **August 21, 2020.**
- 25 • Last date to file dispositive motions from April 30, 2020 to **September 30,**
26 **2020.**
- 27 • Last date to file joint pretrial order from June 2, 2020 to **November 2, 2020,**
28 unless dispositive motions are filed.

1
2 Dated: November 15, 2019

JAMES MORRIS LAW FIRM

3
4 By: 
JAMES A. MORRIS, JR.

5
6 Dated: November 15, 2019

FAEGRE BAKER DANIELS LLP

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8
9 By: /s/ Theodore O'Reilly
TARIFA B. LADDON
10 THEODORE O'REILLY

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12 **IT IS SO ORDERED:**

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15 UNITED STATES MAGISTRATE JUDGE

16 **DATED:** November 18, 2019
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